D.B.Criminal Contempt Petition No.21/1995

Ramavtar Khandelwal vs. Bhikam Chand Parakh & Anr.

DATE OF ORDER : 13/4/2007

HON'BLE SHRI RAJESH BALIA, J.

HON'BLE SHRI BHANWAROO KHAN, J.

Mr.N.M.Lodha, Addl.Advocate General
Mr.B.C.Parakh,]
Mr.Akshay Parakh,] present in person.

Contempt proceedings were initiated against the respondents Advocates on the reference having been made by Chairman, District Consumer Forum, Jodhpur about certain derogating averments made in transfer application and review application moved by the respondents in the pending case expressing their mistrust in the Forum. The respondent no.2 had also addressed a letter to Editor, Rajasthan Patrika, Jodhpur Edition, to be published in the newspaper, but who instead of publishing in the newspaper, considering it to be containing material derogatory of the Consumer Forum, communicated the same to the Hon'ble Chief Justice.

Since issuance of contempt notice, more than 11 years have elapsed. During the pendency of the proceedings, respondents had approached the Supreme Court, and the application for transfer of the case was disposed of by the Supreme court vide its order dated 10/1/2000. The Apex Court had permitted the respondents to lead evidence about the truth of allegations made by them as the question whether truth of allegation is a

defence to contempt allegation is pending consideration before larger Bench of Supreme Court.

The matter has since pended long & evidence has not been led by the respondents on the aforesaid issue so far for one reason or the other the proceedings have almost remained in static position.

Respondents present in person today have submitted oral as well as in writing unconditional apology expressing their heartfelt regret and stating that due to certain misunderstanding and short experience at the Bar certain facts were mentioned in the application before Consumer Protection Forum, Jodhpur, which were not appropriate.

In their application, the respondents have also not made any prayer except to place themselves at the hands of the Court while requesting to pass needful order taking into consideration sincere apology of the respondents.

In the facts and circumstances, considering the repentance shown by the respondents before the Court and considering the fact that genuine regret has been expressed by the respondents about the averments made by them in respect of Consumer Protection Forum and looking to the age of both the respondents no.1 and 2, we are inclined to accept their

unconditional apology.

Considering all the aspects of the matter, we deem it just and proper to accept the unconditional apology submitted by both the respondents and discharge the notices with a note of warning to the respondents that such incidents are not repeated in future.

Accordingly, notices are discharged.

(BHANWAROO KHAN), J. (RAJESH BALIA), J.

Pankaj Baweja.